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DWCNewsline

Division of Workers' Compensation
Carrie Nevans, Acting Administrative Director

1515 Clay Street, 17th floor, Oakland, CA 94612 (510) 286-7100

Internet Web Page: <http://www.dir.ca.gov>

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Division of Workers' Compensation issues second 15-day notice of revisions to proposed workers' compensation benefit notice and medical provider network regulations

The Division of Workers' Compensation (DWC) has further modified its proposed regulations concerning workers' compensation benefit notices. It has also modified the notice employees must receive when their employer terminates its medical provider network (MPN). A second 15-day notice of modification has been posted on the DWC Web site. Members of the public may comment on the revisions until 5 p.m. on Oct. 4, 2007.

The proposed revisions to the draft include:

- Clarification and reorganization of the requirements to provide notice to employees covered by an MPN that the MPN is being terminated
- Addition of a provision that a notice of termination or cessation of use of an MPN may be combined with the notice of change to new MPN coverage if the combined notice meets all applicable MPN regulatory requirements
- Addition of a provision that if a notice of termination or cessation of use of an MPN is timely filed with the DWC and the DWC does not act by the date the notice should be distributed, then the notice will be deemed approved
- Deletion of a proposed requirement for a claims administrator to provide, upon request from an injured worker, a copy of a psychiatric report which the physician who authored the report had recommended be withheld from the injured worker
- Clarification that benefit notices must only be made available in English and Spanish as appropriate, and not in all cases
- Restoration of a definition, proposed for deletion, of the term "date of knowledge of injury"
- Further revision of the proposed revision of the definition of "permanent and stationary status"
- Clarification that the proposed required notice of employee options to dispute a delay or denial of temporary or permanent disability benefits is only required where the disputed delay or denial is related to a medical issue
- Modification of the proposed requirement that benefit notices to unrepresented injured workers that could result in the injured worker obtaining a QME panel be sent in an envelope that advises the recipient: "You may lose important rights if you do not take

certain actions within 10 days. Read this letter and any enclosed fact sheets very carefully.”
This language will now be required in the notice itself.

Further information and the modified proposals can be found at
http://www.dir.ca.gov/dwc/DWCPropRegs/BenefitNoticeRegulations/BenefitNotice_regulations.htm.

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